

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	Nos. 3:18-CR-045
)	3:08-CR-029
)	
DONNY RAY SARTIN)	

MEMORANDUM AND ORDER

Case number 3:18-CR-045 is set for trial on September 5, 2018. Now before the court is the defendant's second motion to continue. [3:18-CR-045, doc. 16].

The parties had previously informed the undersigned's chambers that this case would be resolved by a plea agreement. As such, a change of plea hearing was tentatively scheduled for the trial date.

However, by the present motion, defense counsel expresses concern over the defendant's current emotional condition and asks for a continuance of approximately 45 days "to ensure that Defendant is completely informed and educated about the potential risk of trial and the benefits of resolving this matter." According to the motion, the United States does not oppose the requested relief.

The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The court further finds that the failure to grant the motion would deny the parties reasonable time necessary for effective trial preparation, should plea negotiations not prove successful.

18 U.S.C. § 3161(h)(7)(B)(iv). The motion requires a delay in the proceedings. Therefore, all the time from the filing of the motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A).

The defendant's motion [3:18-CR-045, doc. 16] is **GRANTED**. Trial is **CONTINUED** from September 5, 2018, to **Thursday, October 25, 2018, at 9:00 a.m.** in Knoxville. The new plea cutoff date is October 9, 2018.

The change of plea hearing tentatively scheduled for September 5, 2018, is **CANCELED**.

The September 5, 2018 revocation hearing in case number 3:08-CR-029 is **RESET** to Thursday, October 25, 2018, at 9:00 a.m. in Knoxville.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge